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September 24, 2007

The Honorable Henry A. Waxman
Chairman
Committee on Oversight and Government Reform
2157 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman ^{Henry} Waxman:

I am writing to renew my request for hearings into why the New York Times gave a discount to MoveOn.org for the September 10, 2007 ad calling General Petraeus "General Betray Us." After almost two weeks, the public editor of The New York Times on Sunday explained that "the paper now says that the advertiser got a price break it was not entitled to."¹ MoveOn.org should have paid more than twice the \$64,575 that it paid for the ad.² The public editor also acknowledged that the ad "appears to fly in the face of an internal advertising acceptability manual that says, 'We do not accept opinion advertisements that are attacks of a personal nature.'"³

The New York Times' credibility on this subject is questionable. Although a spokeswoman at the time claimed that "we do not distinguish the advertising rates based on the political content of the ad" and "[t]he advertising folks did not see the content of the ad before the rate was quoted,"⁴ it would not take much imagination to know the position of the advertiser, MoveOn.org, without actually seeing the ad. Moreover, The New York Times now claims it was a "mistake" to give MoveOn.org the "standby" rate for an ad that would run on a specified date.⁵ It strains credulity that such a mistake could be made, given the clarity of the policy.

¹ Hoyt, Clark, *Betraying Its Own Interests*, The New York Times (Sept 23, 2007) (available at <http://www.nytimes.com/2007/09/23/opinion/23pubed.html>)

² *Ibid.*

³ *Ibid.*

⁴ Parsons, Claudia, *NY Times Criticized for ad attacking Petraeus*, Reuters (Sept. 13, 2007)(available at <http://www.washingtonpost.com/wp-dyn/content/article/2007/09/13/AR2007091301148.html>)

⁵ Hoyt, Clark, *Betraying Its Own Interests*, The New York Times (Sept 23, 2007)(available at <http://www.nytimes.com/2007/09/23/opinion/23pubed.html>)

These explanations no longer justify your own characterization that "The New York Times has already given a very clear and credible explanation on how their advertising policy works."⁶ It is now clear that its advertising policy does not work and that The New York Times may have violated campaign finance laws.

It is time for The New York Times to answer publicly, on the record, and under oath for its conduct. You have repeatedly challenged the public statements of administration and private industry officials and sought their testimony under oath. It is time for you to give equal treatment to The New York Times.

Now that we know MoveOn.org received an improper discount for an ad that may not have even met advertising standards, the Committee should hold hearings to determine (1) whether the discount was a deliberate attempt to subsidize MoveOn.org's message in violation of campaign finance laws and (2) whether the campaign finance laws prohibiting such discounts are effective and enforceable.

Thank you for your consideration of this request.

Sincerely,



Tom Davis
Ranking Member

⁶ Lenggell, Sean and McElhatton, Jim, *Davis Seeks Probe of MoveOn Ad*, Washington Times (Sept. 19, 2007)(available at <http://www.washingtontimes.com/article/20070919/NATION/109190082&SearchID=73294339864103>)